

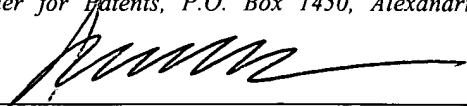


DFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 10, 2006.


Vanessa S. Jackson

Applicant : David Jeffrey Chodosh
Application No. : 10/733,822
Filed : December 10, 2003
Title : BEVERAGE CONTAINER ATTACHMENT

Grp./Div. : 1761
Examiner : Sarah Louise Kuhns

Docket No. : 51483/C987

Confirmation No.2156

**PETITION TO WITHDRAW ABANDONMENT UNDER 37 CFR § 1.181
NO FEE REQUIRED**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
May 10, 2006

Commissioner:

The subject application was abandoned (Exhibit A) allegedly due to Applicant's failure to timely file a response to the Office action mailed September 21, 2005. Applicant respectfully submits that the abandonment is in error and should be reversed for the following reasons:

Applicant timely filed a Response to the Office action on October 27, 2005 (Exhibit B), together with 1) a Declaration Under 37 C.F.R. § 1.131 with Exhibits A, B & C (Exhibit C); and 2) an Information Disclosure Statement and Certification Under § 1.97(e)(2), Form PTO/SB/08A/B and two references (Exhibit D). Receipt of the Response is confirmed by receipt of the return postcard stamped by the OIPE on October 31, 2005 (Exhibit E). In addition, receipt of the above-described Response, Declaration and Information Disclosure Statement is confirmed in that each document is currently available for viewing and retrieval in the PAIR record for this application. However, please be advised that the Response was apparently

Application No. 10/733,822

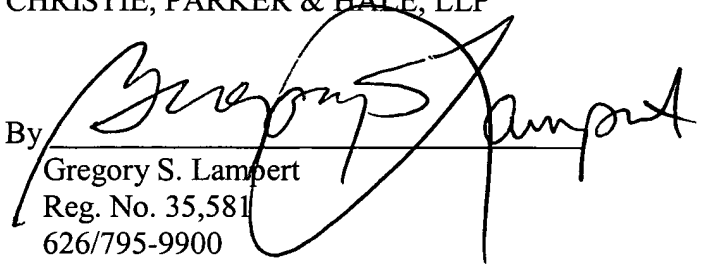
scanned and incorrectly saved by the OIPE division of the USPTO under the title "Transmittal to TC."

Based on the foregoing, withdrawal of the holding of abandonment is respectfully requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By


Gregory S. Lambert
Reg. No. 35,581
626/795-9900

GSL/vsj

Enclosures: Response

Declaration Under 37 C.F.R. § 1.131 with Exhibits A, B & C

Information Disclosure Statement and Certification Under § 1.97(e)(2),

Form PTO/SB/08A/B

Two references

Copy of return postcard

VSJ PAS681714.1-*05/10/06 10:45 AM



UNITED STATES PATENT AND TRADEMARK OFFICE

GSL

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,822	12/10/2003	David Jeffrey Chodosh	51483/RVW/C987	2156

23363 7590 04/24/2006

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER

KUHNS, SARAH LOUISE

ART UNIT PAPER NUMBER

1761

DATE MAILED: 04/24/2006

CASE # 51483 ACTION PET-TO REVIVE *
REMINDER _____ DUE DATE 5/24/06
DEADLINE 6/24/06

RECEIVED

APR 26 2006

Christie, Parker & Hale, LLP

Please find below and/or attached an Office communication concerning this application or proceeding.

* copy of return postcard
from 10/27/05 response attached.

Notice of Abandonment

Application No.

10/733,822

Examiner

Sarah L. Kuhns

Applicant(s)

CHODOSH, DAVID JEFFREY

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 21 September 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



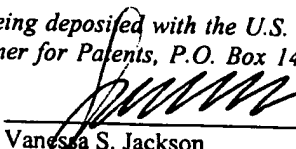
CAROLYN PADEN 4-21-06
PRIMARY EXAMINER 1761

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 27, 2005.


Vanessa S. Jackson

Appl No. : 10/733,822
Applicant : David Jeffrey Chodosh
Filed : December 10, 2003
Title : BEVERAGE CONTAINER ATTACHMENT
TC/A.U. : 1761
Examiner : Sarah Louise Kuhns
Docket No. : 51483/GSL/C987
Customer No. : 23363

Confirmation No. 2156

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
October 27, 2005

Commissioner:

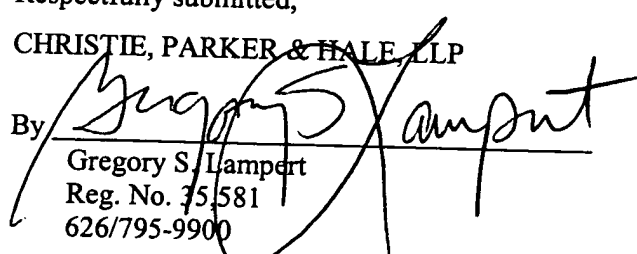
In response to the Office action of September 21, 2005, reconsideration of the application is respectfully requested.

Claims 1 - 27 in the application have been rejected as allegedly anticipated or obvious over U.S. Patent No. 6,776,315 to Laulom et al. Attached hereto is Applicant's Declaration Under 37 C.F.R. 1.131 swearing behind the effective date of March 18, 2003 of Laulom et al. Specifically, the Applicant has declared that the Application was conceived on March 12, 1998, and was diligently reduced to practice by filing a provisional patent application on June 19, 2003. As the Applicant has effectively sworn behind the cited reference, it is respectfully submitted that the rejections based thereon should be withdrawn.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By


Gregory S. Lampert
Reg. No. 35,581
626/795-9900

GSL/vsj
VSJ PAS649615.1-* -10/27/05 2:00 PM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Jeffrey Chodosh Confirmation No. 2156
Application No. : 10/733,822
Filed : December 10, 2003
Title : BEVERAGE CONTAINER ATTACHMENT
Grp./Div. : 1761
Examiner : Sarah Louise Kuhns
Docket No. : 51483/GSL/C987

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068

Commissioner:

I, David Jeffrey Chodosh, declare and state as follows:

1. I believe that I am the original, first and sole inventor of the subject matter described and claimed in U.S. Patent Application Serial No. 10/733,822, filed on December 10, 2003 (the AApplication@), which claims the benefit of U.S. Provisional Patent Application No. 60/480,580, filed on June 19, 2003.
2. As shown by the following facts, the invention claimed in the Application was already conceived by me in this country on March 12, 1998, and was diligently pursued in a patent application filed on June 19, 2003.
3. As can be evidenced by my original invention drawings dated March 12, 1998, true and accurate copies of which are attached hereto as Exhibit A, the invention described in the Application was conceived on March 12, 1998.
4. As shown in a confidential product submission form of February 13, 2000, relating to OddzOn Toy Co., with attached drawings, dated March 12, 1998, true and accurate copies of which are attached hereto as Exhibit B, the invention described in the Application was already conceived on March 12, 1998.
5. As shown in a further product submission form of July 18, 2002, relating to Applause Toy Co., with attached drawings dated March 12, 1998, true and accurate copies are

I hereby certify that this correspondence is being deposited with the
U.S. Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
1450 on:

11-27-05



Application No. 10/733,822

attached as Exhibit C, the invention described in the Application was already conceived on March 12, 1998.

6. I diligently worked with my patent attorney in describing and claiming the subject matter of the invention in an application which was diligently filed on June 19, 2003 and assigned Serial No. 60/480,580, which the Application claims the benefit of.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Date OCTOBER 25, 2005

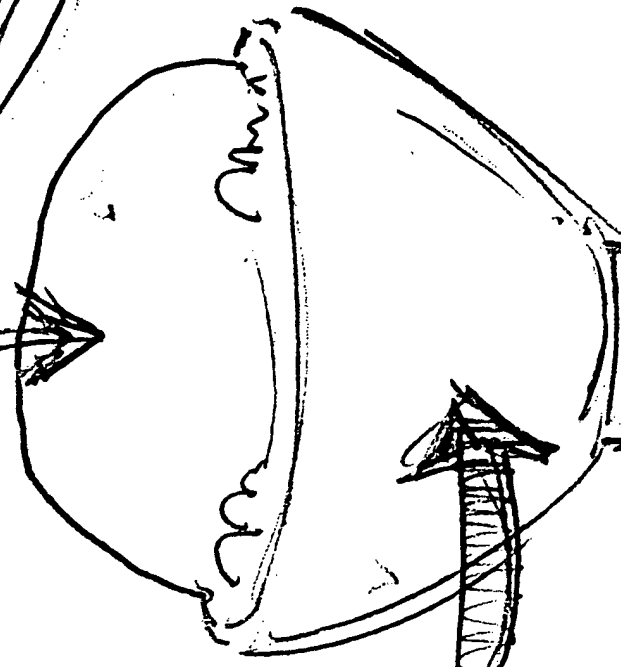
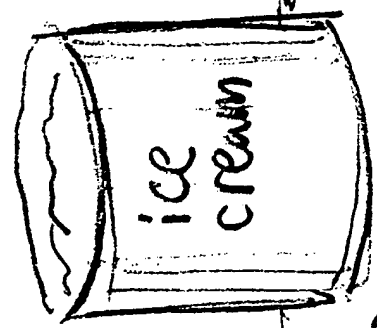
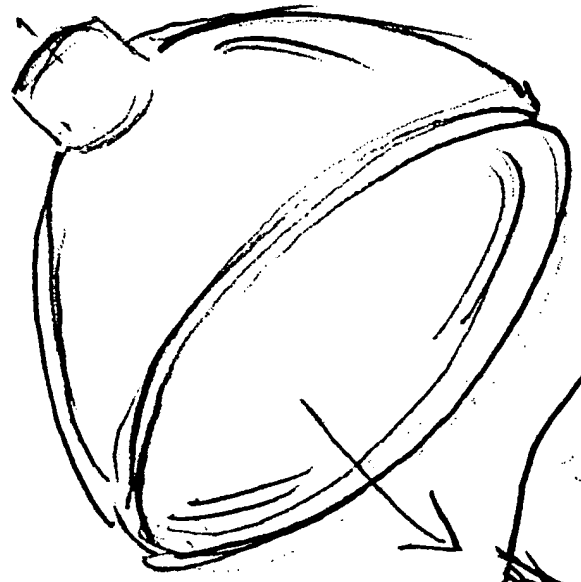
By 
David Jeffrey Chodos

GSL/vsj

VSJ PAS649570.1-* -10/24/05 2:27 PM

← arink spout

-Lid-
snaps or screws
onto cup



twist
on
cup
onto

Soda
Bottle

or any
flavor!!

Root
Beer

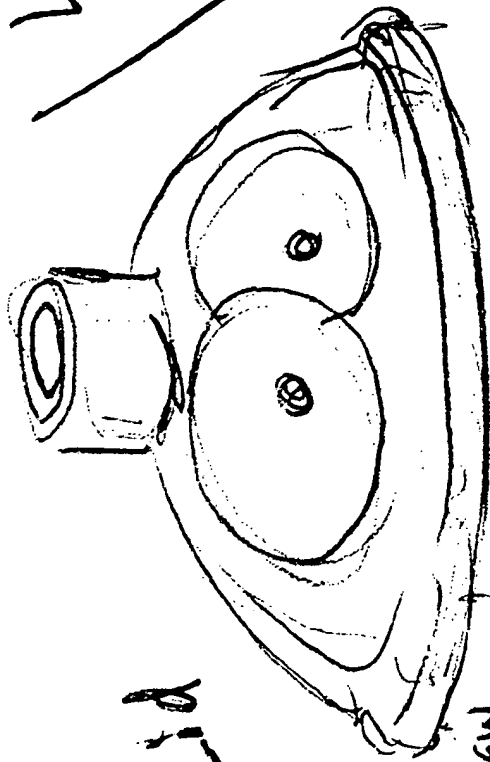


yumm!

Float-2-Go 1/2

D. Chodosh 3.12.98

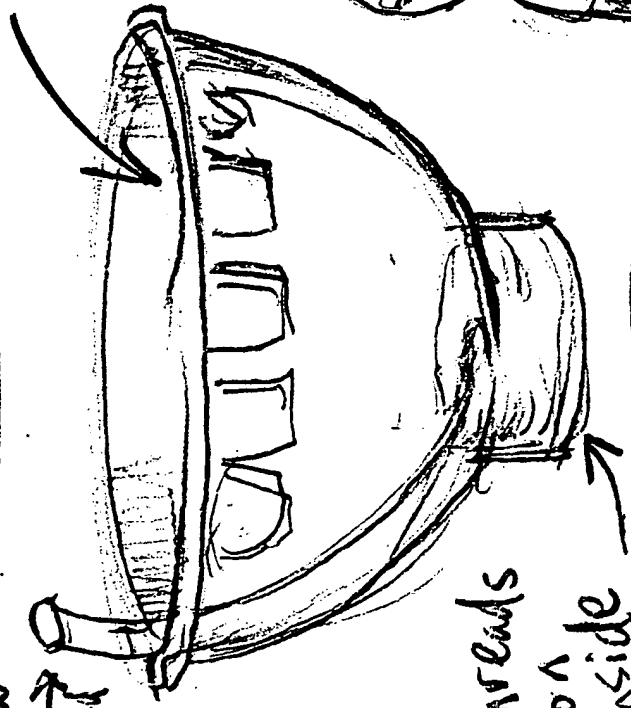
spoon



Lid

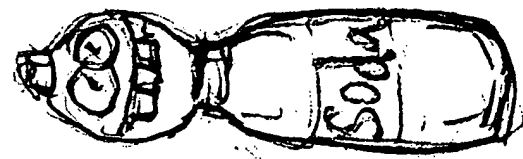
Licensed Characters,
Sports Logos
Team logos
molded on

Straw
molded
in



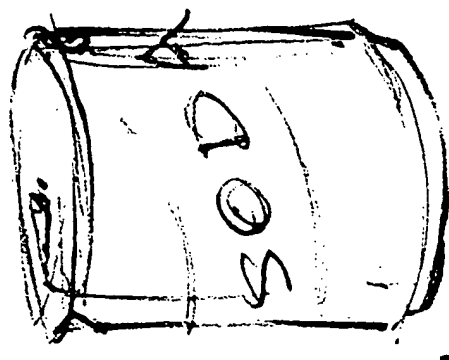
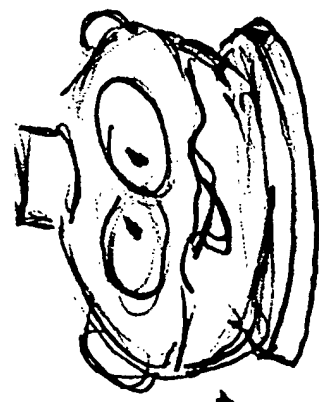
threads
on
inside

ice cream
mixing
chamber - see
the volcano!



bottle
version

Lid
Base



soda can
version

2 pc

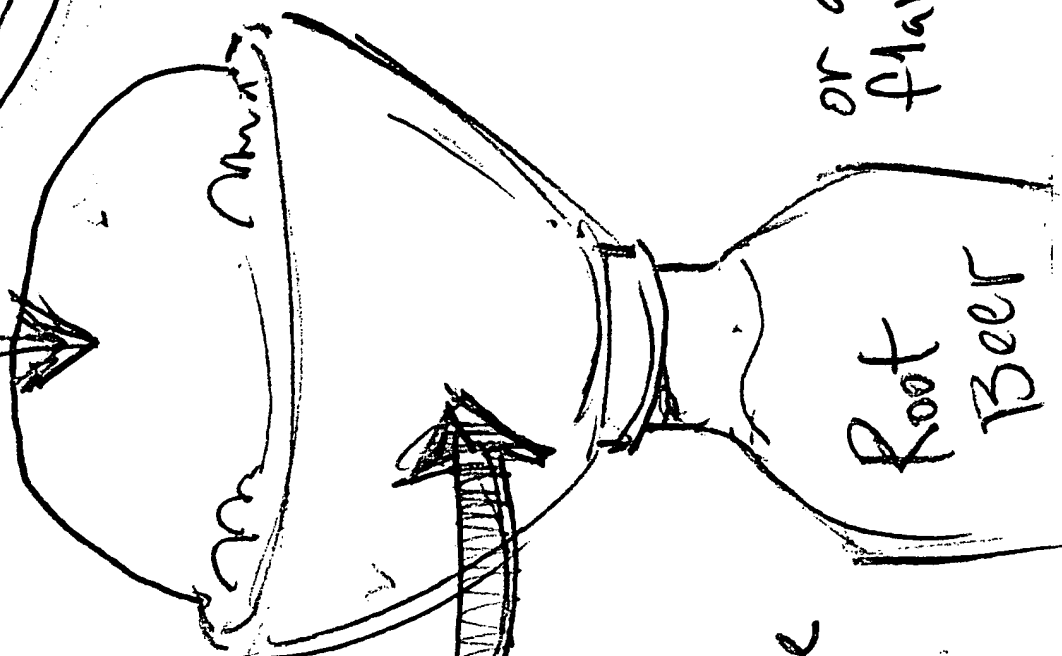
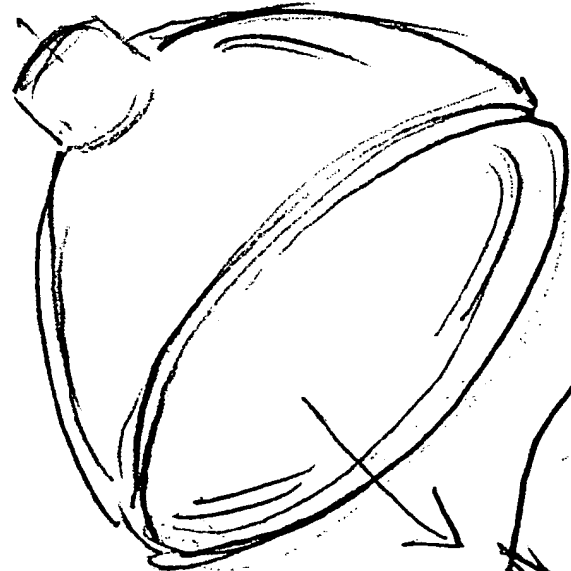
Flat-2-Go ^{2/2}

D. Chedosh

3.12.98

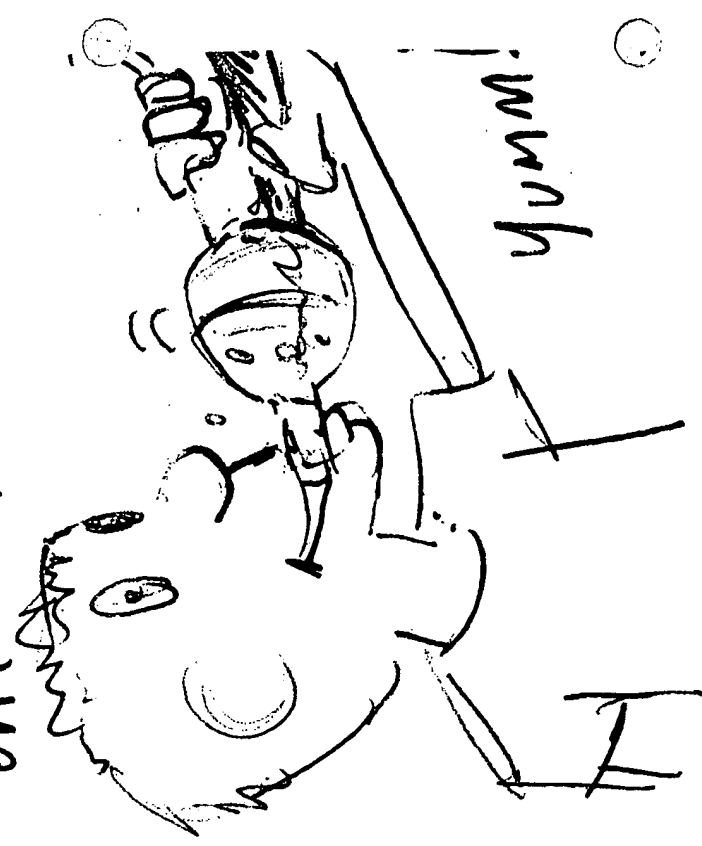
← arm spout

-Lid-
snaps or screws
onto cup



twist
on
cup
onto
Soda
Bottle

or any
flavor!!

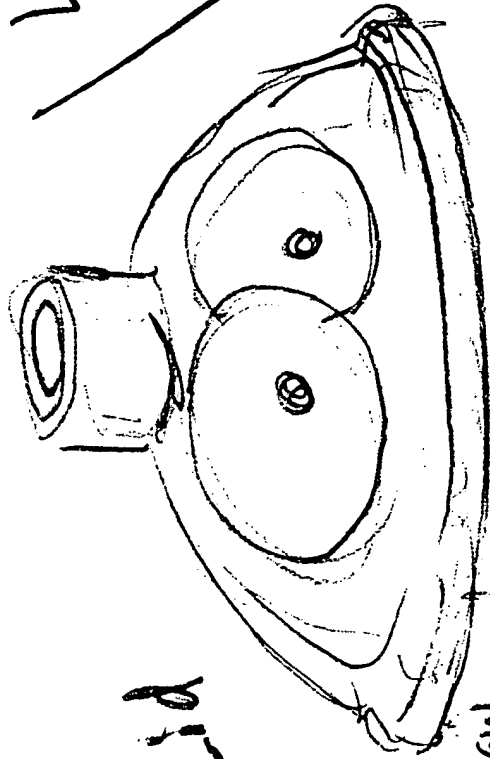


yumm!

Float-2-Go^{1/2}

D. Chodosh 3.12.98

Spout



Lid

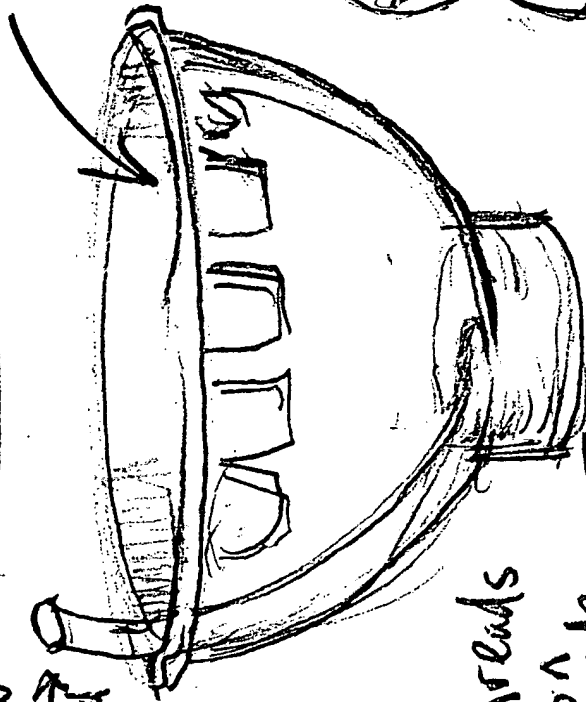
Licensed Characters,

Sports Logos
Team molded on

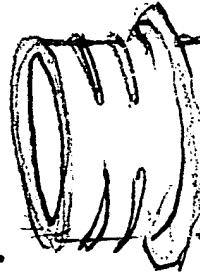
Straw
molded in

ice cream
mixing

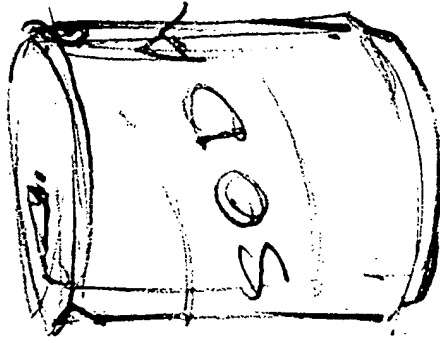
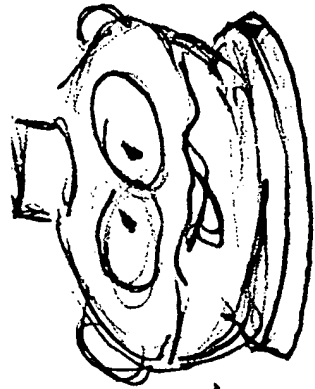
Chamber - see
the volcano!



threads
on inside



Lid
Base



soda can
version



bottle
version

Flat-2-Go 2/2

Dr. Chodosh

3.12.98

**APPLAUSE LICENSING
STATEMENT OF POLICY CONCERNING
SUBMITTED IDEAS**

POLICY

New product ideas are important to Applause. While we employ a staff of designers and engineers to develop new products for us, we are also receptive to offers of rights to new ideas from certain sources outside the company. We receive many unsolicited outside ideas and have found that most of these are not new and often are either concepts which are already in the public domain or are the same or similar to ideas developed by our own staff. For these reasons, and in order to avoid any disagreements, Applause can review outside ideas only according to the conditions of the agreement below. If these conditions are found to be acceptable, you are invited to sign and return one copy of this form to:

Applause Licensing
6101 Variel Avenue
Woodland Hills, California 91365-4183
Attn: Joanne Wells

AGREEMENT

Our policy requires that we accept outside submissions only when accompanied by a signed copy of this Agreement and further that we accept only such matter as is reduced to writing, dated and signed by you and acknowledged by us. Please understand that it is necessary for us and for your protection to retain a record of your disclosure for our files.

1. The disclosure must be understood to be purely voluntary and no confidential relationship is to be established by such disclosure or implied from our consideration of the submitted material, and the material is not to be considered submitted "in confidence." Confidential relationships have been held to create obligations which are beyond those that the company is willing to assume.
2. No obligation of any kind is assumed by, nor may be implied against, Applause unless and until a formal written contract has been entered into, and then the obligation shall be only such as is expressed in the formal written contract executed by an officer of Applause. Applause does agree, however, not to produce or market this product prior to the execution of the above mentioned formal written contract, subject to statements contained herein. Applause has no obligation to compensate you for any damage which may occur in shipment. All materials are submitted at your own risk, and Applause will have no responsibility for loss or damage to the materials submitted. Any claims for loss or damage occurring during shipment should be filed directly with the transportation company.
3. We assure you that we intend to deal fairly with you in connection with your disclosure. You must understand and agree that in return for receiving and examining your disclosure, we are released from any liability in connection with the receipt and examination of your disclosure or in connection with our use or disclosure to others of any portion of your disclosure, except as to such liability that Applause may have to you under any valid patents, trademarks or copyrights that you now or hereafter own or control. Applause

4. The name and a brief description of the product idea in simplistic terms should be written in the designated area below. Our review of your idea and/or an offer to negotiate with you is not an admission of novelty, priority or originality and does not prejudice our rights to contest any existing or future patents or copyrights on the idea. All features which you believe to be unique or points of differentiation must be outlined below, and this area must be completed in full for your submission to be eligible for review and evaluation by Applause. Any form received without this information will be returned for completion.
5. No employee or representative of Applause is authorized to solicit any disclosure or to do any other act or make any representations from which any relationship may be implied other than that expressed in this document.

I represent and warrant that I am the author/creator of this submission, that I own it and have the right to submit it to others and that to the best of my knowledge it does not infringe upon or violate the rights of any third party(ies). I accept the terms and conditions of the above agreement as the basis for submitting my ideas to Applause and for you to consider them.

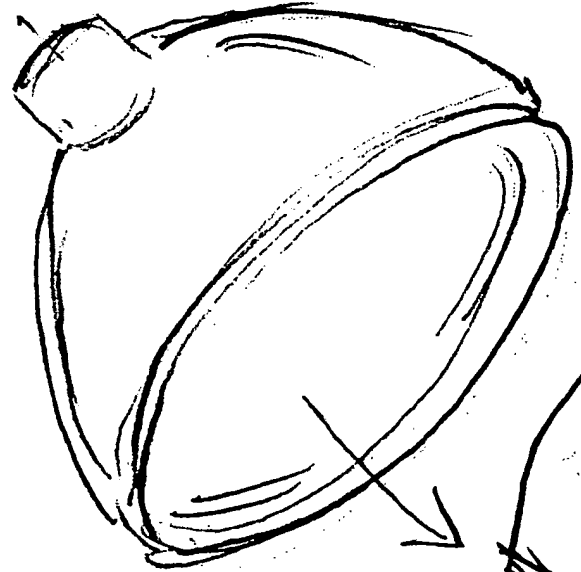
Name: DAVID CHODOSH Date: 7-18-02
Company: IONZO, INC. Phone: 310-937-0202
Address: 1816 S ST.
MANHATTAN BEACH, CA 90266
Signature: *David Chodosh*

ITEM DESCRIPTION
(please attach picture of item)

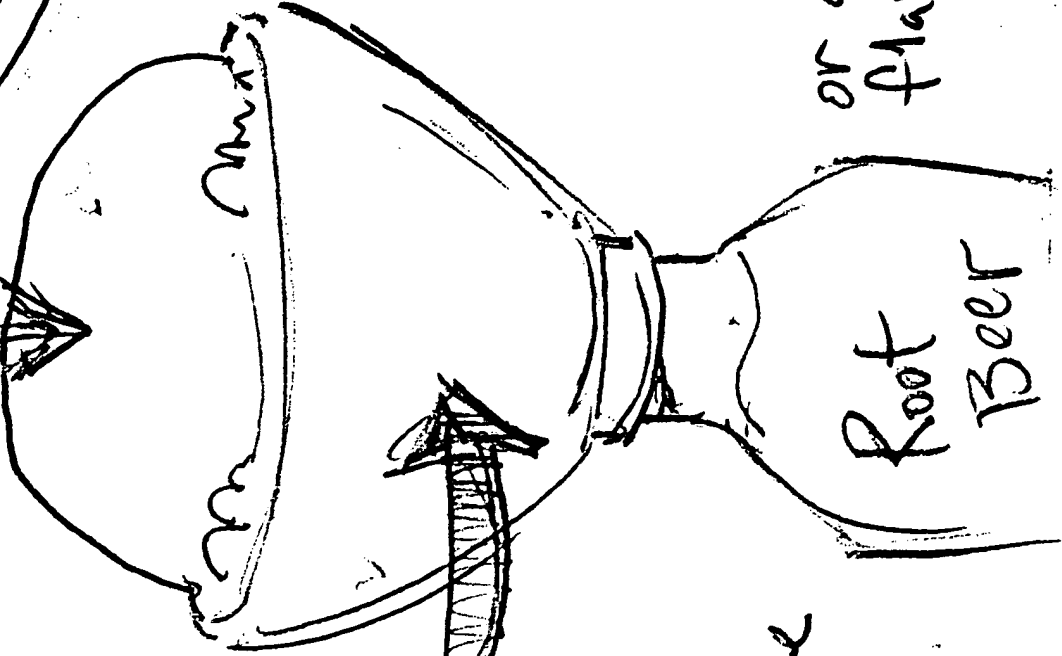
"FLOAT-2-GO" - ICE CREAM CUP THAT SCREWS ONTO SODA BOTTLE ALLOWING CUSTOM MIXING FOR AN INSTANT ICE CREAM SODA FLOAT

← arm spout

-Lid-
snaps or screws
onto cup



twist
on
cup
onto
Soda
Bottle



or any
flavor!!

Float-Z-Go (1/2)

D. Chodosh 3.12.98

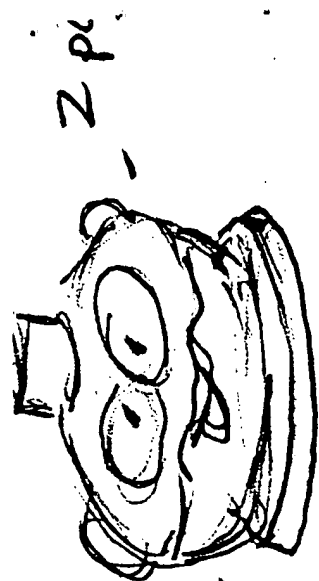
Spout

Licensed Characters,
Sports Logos
molded on
tear™ on

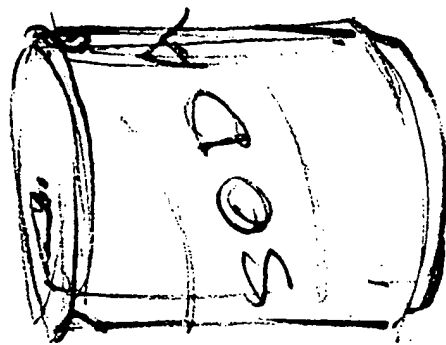
Lid

Straw
molded
in

threads
on
inside

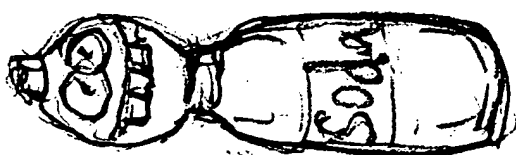
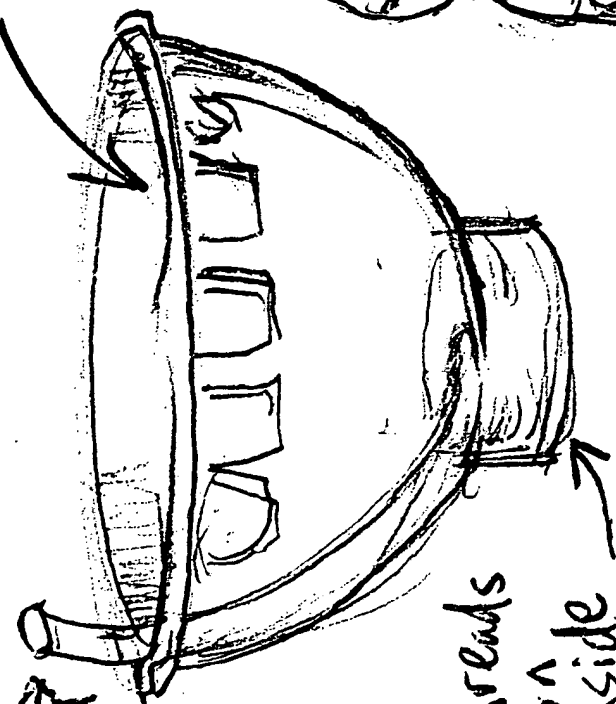


Lid →
Base →

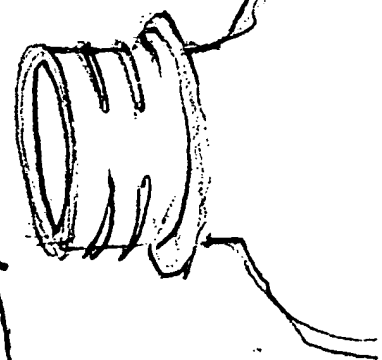


soda can
version

ice cream
mixing
chamber - see
the volcano!



bottle
version



Float-2-Go 2/2

Dr. Chodosh

3.12.98

PLEASE SIGN AND RETURN TO ACKNOWLEDGE RECEIPT

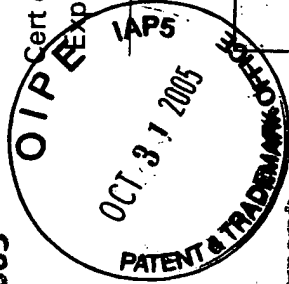
Title **BEVERAGE CONTAINER ATTACHMENT**

Client ID **C987**
Case No **51483**
Atty/Sec **GSL:vs1**
Date Mailed **10-27-05**
Date Due **12-21-05**

Ser/Pat/Reg No: **10/733,822**

Filed/Issued : **December 10, 2003**

____ Assigned Enclosed (List Assignee)
Cert of Mailing **Yes**
Express Mail No.



DOCUMENT TITLE: **RESPONSE**
(List enclosures)

Information Disclosure Statement,

Copies of 2 ~~References~~ References,

Declaration,

PTO Form SB/08A/B.

Checked by:

ACKNOWLEDGE HERE

☒ PAT ☐ COP ☐ MARK ☐ DBA

REV 11/93 FORM P2